

Before the Board of Zoning Adjustment, D.C.

Application No. 12098 of Leslie and Anthony De Veau, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1 and paragraph 7107.22) and rear yard requirements (Sub-section 3304.1) to permit an addition to a dwelling which is a nonconforming structure in the R-1-B District at the premises 5112 - 45th Street, N.W. (Square 1575, lot 77).

HEARING DATE: March 31, 1976

DECISION DATE: March 31, 1976 (from the Bench)

FINDINGS OF FACT:

1. The property is located in an R-1-B District.
2. The property is improved with a two story brick detached single family building.
3. The applicant proposes to construct a two story rear addition to the existing structure, to contain a recreation room, bedroom and bathroom. The addition would extend 20 feet toward the rear of the lot from the existing structure, and would be 23 feet wide.
4. The existing structure currently has a rear yard of 43.5 feet. The addition would leave a rear yard of 23.5 feet, which would require a variance of 1.5 feet.
5. The existing structure has a 6.5 foot side yard on the south side. There would be no change in this yard as a result of the addition.
6. The existing structure has a 3.33 foot side yard on the north side, which abuts a 16 foot wide public alley. The applicant proposes to build the south wall of the addition to the same line as the south wall of the existing porch which is to be removed, leaving the existing side yard intact. A variance of 4.67 feet would be required.
7. Property owners to the north, south and west all had no objection to the application.
8. There was no opposition to the application.

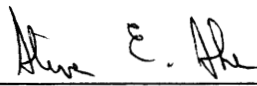
CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board concludes that such a practical difficulty exists, by virtue of the existing non-conforming side yards, which prevent expansion of the dwelling in any direction except the rear. The Board concludes that there would be no adverse neighborhood impact or negative effect on adjoining properties. It is therefore ordered that the application be granted.

VOTE: 3-0 (Martin Klauber, Leonard L. McCants and William F. McIntosh to grant, William S. Harps and Lilla Burt Cummings not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: _____


STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF THE ORDER: _____

APR 28 1976

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.